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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

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MARY KAY PECK,

Plaintiff,

v.

CITY OF HENDERSON, et al.,

Defendants.

2:09-cv-872-JCM-GWF

**ORDER SCHEDULING EARLY  
NEUTRAL EVALUATION SESSION**

PLEASE TAKE NOTICE that pursuant to the current Court-Based Early Neutral Evaluation (“ENE”) Program in the District of Nevada as outlined in LR 16-6, an ENE session has been scheduled to commence at **9:30 a.m. on TUESDAY, OCTOBER 6, 2009** in the chambers of the undersigned U.S. Magistrate Judge, Room 3014, Lloyd D. George U.S. Courthouse, 333 Las Vegas Boulevard South.

Lead trial counsel, all parties appearing *pro se*, if any, and all individual parties must be present.

In the case of organizational or corporate parties, counsel shall arrange for a representative with binding authority to settle this matter up to the full amount of the claim to be present for the duration of the ENE session.

If any party is subject to coverage by an insurance carrier, then a representative of the insurance carrier with authority to settle this matter up to the full amount of the claim must either be present or be available by telephone for the duration of the ENE session.

A request for an exception to the above attendance requirements must be submitted to the undersigned for approval at least one week prior to the ENE session. Counsel of record, individual

1 parties, and a fully authorized representative shall appear in person unless the court enters an order  
2 granting a request for exception.

3 **PREPARATION FOR ENE SESSION**

4 In preparation for the ENE session, the attorneys for each party, and the parties appearing *pro*  
5 *se*, if any, shall submit a confidential written evaluation statement for the Court's *in camera* review.

6 The evaluation statement shall be concise and shall:

- 7 1. Identify, by name or status the person(s) with decision-making authority, who, in  
8 addition to counsel, will attend the ENE session as representative(s) of the party, and  
9 persons connected with a party opponent (including an insurer representative) whose  
10 presence might substantially improve the utility of the ENE session or the prospects  
11 of settlement;
- 12 2. Describe briefly the substance of the suit, addressing the party's views on the key  
13 liability issues and damages;
- 14 3. Describe the legal or factual issues, if any, whose early resolution would reduce  
15 significantly the scope of the dispute or contribute to settlement negotiations;
- 16 4. Describe the history and status of settlement negotiations; and
- 17 5. Include copies of documents, pictures, recordings, etc., out of which the suit arose, or  
18 whose availability would materially advance the purposes of the evaluation session (e.g.,  
19 medical reports, documents by which special damages might be determined).

20 The written evaluation statements shall be submitted directly to my chambers -- Room 3014 --  
21 not later than **4:00 p.m. on September 29, 2009. DO NOT DELIVER OR MAIL THEM TO THE**  
22 **CLERK'S OFFICE. DO NOT SERVE A COPY ON OPPOSING COUNSEL.**

23 The purpose of the evaluation statement is to assist the undersigned Magistrate Judge in  
24 preparing for and conducting the ENE session. In order to facilitate a meaningful session, your utmost  
25 candor in providing the requested information is required. **The written evaluation statements will**

26 . . . .

1 not be seen by or shared with the district judge or magistrate judge to whom this case is  
2 assigned. The evaluation statements will be seen by no one except the undersigned. Each  
3 statement will be securely maintained in my chambers, and will be destroyed following the session.

4 DATED this 10<sup>th</sup> day of June, 2009.

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LAWRENCE R. LEAVITT  
7 UNITED STATES MAGISTRATE JUDGE  
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